

CPE/AEP

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PLEASE STAMP TO ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

In Re Application of: Klaus PREISSNER et al.

Application No.: 10/631,896

Filed: August 1, 2003

For: PHARMACEUTICAL PREPARATION WITH RNA AS HEMOSTASIS COFACTOR

1. Response to Restriction Requirement (2 pages)

Dated: February 11, 2005

Docket No.: 06478.1491

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(Due Date: 02/14/05)

AKS
2/14/05

PATENT
Customer No. 22,852
Attorney Docket No. 06478.1491

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Klaus PREISSNER et al.) Group Art Unit: 1635
Serial No.: 10/631,896) Examiner: Amy Hudson Bowman
Filed: August 1, 2003) Confirmation No.: 9809
For: PHARMACEUTICAL)
PREPARATION WITH RNA AS)
HEMOSTASIS COFACTOR)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated January 14, 2005, the Examiner required restriction under 35 U.S.C. § 121 between the following groups:

- Group I: Claims 1-3, 5-7 and 12, drawn to a pharmaceutical preparation, classified in class 514, subclass 44.
- Group II: Claim 4, drawn to a method for promoting coagulation comprising administering the pharmaceutical preparation, classified in class 514, subclass 44.
- Group III: Claims 8-11, drawn to a diagnostic aid, classified in class 514, subclass 44.

Applicants provisionally elect to prosecute Group 1, claims 1-3, 5-7, and 12, drawn to a pharmaceutical preparation, with traverse.

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Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803, emphasis added.) Applicants respectfully submit that this policy should apply to this application in order to avoid unnecessary delay and duplicative examination.

Applicants submit that this search can be made without undue burden because a literature search for these groups would be largely coextensive. A thorough search for pharmaceutical preparations comprising RNA or RNA analogs should also involve a search for diagnostic aids, which also comprise RNA or RNA analogs. A thorough search for the pharmaceutical preparations should also involve a search for methods that directly utilize the pharmaceutical preparations. Applicants also note that Groups I-III involve subject matter that has been given the same classification numbers (class 514, subclass 44). Accordingly, Applicants respectfully request the restriction to be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 11, 2005

By: Amy E. Purcell
Amy E. Purcell
Reg. No. 53,492